

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
JANUARY 10, 2022**

The Organizational and Regular meeting of the Zoning Board of Appeals of the Town of Clay, County of Onondaga, State of New York, was held at the Clay Town Hall, 4401 New York State Route 31, Clay, New York on January 10, 2022. Chairman Wisnowski called the meeting to order at 6:00 P.M. and upon the roll being called the following were:

PRESENT:	Edward Wisnowski, Jr	Chairman
	Luella Miller-Allgaier	Deputy Chairperson
	Karen Liebi	Member
	Ryan Frantzis	Member
	Robert Germain	Attorney
	Chelsea Clark	Secretary
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: None

MOTION made by Mrs. Liebi that the Minutes of the meeting of December 13, 2021 be accepted as submitted. Motion was seconded by Deputy Chairperson Miller-Allgaier. *Unanimously carried.*

MOTION made by Chairman Wisnowski for the purpose of the New York State Environmental Quality Review (SEQR) all new actions tonight will be determined to be a Type II, and will be given a negative declaration, unless otherwise advised by our attorney. Motion was seconded by Mrs. Liebi. *Unanimously carried.*

ORGANIZATIONAL ITEMS FOR 2022:

MOTION made by Chairman Wisnowski to accept the 2022 Scheduling Calendar, which states the filing dates of when a completed application is to be received from an applicant. Motion was seconded by Mr. Frantzis. *Unanimously carried.*

MOTION made by Chairman Wisnowski designating the second Monday of each month as the regular meeting of the Zoning Board of Appeals. Motion was seconded by Mr. Frantzis. *Unanimously carried.*

MOTION made by Chairman Wisnowski appointing Luella Miller-Allgaier as Deputy Chairperson for the Zoning Board of Appeals for the year 2022. Motion was seconded by Mrs. Liebi. *Unanimously carried.*

MOTION made by Chairman Wisnowski appointing Chelsea Clark as Secretary for the Zoning Board of Appeals for the year 2022. Motion was seconded by Mrs. Liebi. *Unanimously carried.*

MOTION made by Chairman Wisnowski acknowledging that Robert Germain was appointed by the Town Board as the Zoning Board of Appeals Attorney for the year 2022. *Unanimously carried.*

MOTION made by Chairman Wisnowski that Proof of Publications will be in the Tuesday edition of the Post Standard the week before the Zoning Board of Appeals meeting. *Unanimously carried.*

OLD BUSINESS:

Case #1859 – Syracuse Lawn Maintenance/Todd Fritzen, 4664 Wetzel Road, Tax Map #087.-01-12.0.:

The applicant is seeking Area Variances pursuant to Section 230-17 C.(4)(b)[1][b] for a reduction in the front yard setback from 50 feet to 30 feet (Maltage Drive); Section 230-17 C.(4)(b)[2] for a reduction in the east side yard setback from 25 feet to 10 feet; and Section 230-17 C.(4)(b)[2] for a reduction in the south side yard setback from 25 feet to 10 feet, to allow for construction of a 60' x 80' building. The property is located in the I-1 Industrial 1 District.

The proof of publication was read by the secretary at the November 8, 2021 meeting.

The applicant was not present.

Chairman Wisnowski adjourned Case #1859 to the February 14, 2022 meeting.

NEW BUSINESS:

Case #1862 – Santi Gautam, 4979 Peppermill Lane, Tax Map #107.-14-25.0.:

The applicant is seeking a Special Permit pursuant to Section 230-13 E.(2)(d)[1] for a Home Occupation which will allow for a salon. The property is located the R-7.5 One-Family Residential District.

The proof of publication was read by the secretary.

The applicant, Santi Gautam and husband Kazi Gautam were present.

Chairman Wisnowski asked the applicant to explain their request for the Special Permit.

Mr. Gautam explained that they would like the Special Permit to operate a salon for Mrs. Gautam as she is now a licensed cosmetologist.

Chairman Wisnowski asked if there were any further comments or questions from the Board.

Deputy Chairperson Miller-Allgaier asked where the customers would be parking and how many customers would there be at one time.

Mr. Gautam stated they would have street parking and noted that their driveway can hold between 4 to 5 vehicles at a time.

Deputy Chairperson Miller-Allgaier asked how many people would be working in the salon.

Mrs. Gautam stated she would be the only employee at the salon and would only have one customer at a time.

Chairman Wisnowski noted that the Board would like to keep the cars off the roadway and the Board would consider the Special Permit application under the stipulation that clients would park their cars in the applicant’s driveway.

Mrs. Liebi asked if there would be any signage.

Mr. Gautam noted they haven’t thought of that yet but would follow the code as to what is allowed.

Mrs. Liebi asked if the customers would enter through the porch and noted that signage could be 2 feet by 2 feet to meet code.

Mr. Gautam explained the customers would enter through the garage.

Chairman Wisnowski asked if the salon would be in the garage.

Mr. Gautam confirmed the salon would be in the garage.

Chairman Wisnowski asked Commissioner Territo if he had any comments or questions and he had none.

Chairman Wisnowski asked if anyone in the audience had any questions or comments and there were none.

Chairman Wisnowski asked for those in favor of granting the Area Variances and those opposed to granting the Area Variances and there were none.

There being no further comments, Chairman Wisnowski closed the hearing.

MOTION was made by Deputy Chairperson Miller-Allgaier in Case #1862 to approve the Special Permit as requested with the condition customer cars be parked in the driveway. Motion was seconded by Mr. Frantzis.

Roll Call:	Chairman Wisnowski	- in favor	
	Deputy Chairperson Miller-Allgaier	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Frantzis	- in favor	<i>Unanimously Carried.</i>

Case #1863 – Jason & Trisha Lutz, 8058 Bambi Lane, Tax Map #078.-02-33.0.:

The applicant is seeking Area Variances pursuant to Sections 230-13 D.(4)(c)[1] for a reduction in the front yard setback from 25 feet to 15 feet, and Section 230-20 B.(2)(b) for an increase in the height of a fence in a front yard from the allowed 2 1/2 feet not to exceed the maximum of 7 feet (a corner lot has two front yards). This is to allow for a fence, enclosing a stone patio. The property is located in the R-10 One-Family Residential District.

The proof of publication was read by the secretary.

Applicants, Jason and Trisha Lutz were present.

Chairman Wisnowski asked the applicants to explain their request for Area Variances.

Mr. Lutz explained they would like to move the existing chain link fence to be able to install a stone patio.

Chairman Wisnowski asked the applicant to address the Standards of Proof.

Mr. Lutz addressed the Standards of Proof:

1. The applicant does not believe the requested Area Variances will create an undesirable change to the character of the neighborhood as they are moving the existing fence 10 feet.
2. The applicant does not believe there is any feasible method other than the requested Area Variances due to the flooding nature of the land and their need for a fence to contain their dogs.
3. The applicant does not believe the requested Area Variances to be substantial.
4. The applicant does not believe there will be any adverse effect to the neighborhood as it is similar to other properties in the area.
5. Yes, the need for Area Variances are self-created.

Chairman Wisnowski asked if there were any further comments or questions from the Board and there were none.

Chairman Wisnowski asked Commissioner Territo if he had any comments or questions and he had none.

Chairman Wisnowski asked if anyone in the audience had any questions or comments and there were none.

Chairman Wisnowski asked for those in favor of granting the Area Variances and those opposed to granting the Area Variances and there were none.

There being no further comments, Chairman Wisnowski closed the hearing.

MOTION was made by Mr. Frantzis in Case #1863 to approve the Area Variances as requested with the condition it be in substantial compliance with Exhibit “A.” Motion was seconded by Deputy Chairperson Miller-Allgaier.

Roll Call:	Chairman Wisnowski	- in favor	
	Deputy Chairperson Miller-Allgaier	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Frantzis	- in favor	<i>Unanimously Carried.</i>

Case #1864 - Metropolitan Signs for Kiarash Yeganegi/Hexagon Holdings, LLC, 3903 Brewerton Road, Tax Map #117.-10-23.1.:

The applicant is seeking an Area Variance pursuant to Section 230-22 C.(1) for a reduction in the front yard setback from 25 feet to 0 feet, to allow for a freestanding sign. The property is located in the RC-1 Regional Commercial District.

The proof of publication was read by the secretary.

The applicant Kiarah Yeganegi and David Razzante of Metropolitan Signs, Inc. were present.

Chairman Wisnowski asked the applicant to explain their request for an Area Variance.

Mr. Razzante explained the applicant is requesting the Area Variance to install signage for his new business as there is not adequate space on the building itself to advertise. The proposed sign would be approximately 3 feet and 3 inches away from the building and approximately 8 feet 9 inches from the curb.

Mr. Yeganegi noted that he brought the building back to life in hopes to better serve his clientele.

Chairman Wisnowski asked the applicant to address the Standards of Proof.

Mr. Razzante addressed the Standards of Proof:

1. The applicant does not believe the requested Area Variance will create an undesirable change to the character of the neighborhood as most of the neighborhood is commercial.
2. The applicant does not believe there is any feasible method other than the requested Area Variance.
3. The applicant does not believe the requested Area Variance to be substantial.
4. The applicant does not believe there will be any adverse effect to the neighborhood as it is located in a commercial area.
5. Yes, the need for Area Variance is self-created.

Chairman Wisnowski asked if there were any further comments or questions from the Board.

Mrs. Liebi asked if he would be the only dentist at the practice.

Mr. Yeganegi confirmed he would be the only dentist.

Mrs. Liebi asked if he thought he would have any difficulty with parking.

Mr. Yeganegi did not believe there would be any parking issues as there are 15 to 20 available spaces and there would only be 3 to 4 patients in the building at one time.

Chairman Wisnowski asked Commissioner Territo if he had any comments or questions and he had none.

Chairman Wisnowski asked if anyone in the audience had any questions or comments and there were none.


Chairman Wisnowski asked for those in favor of granting the Area Variances and those opposed to granting the Area Variances and there were none.

There being no further comments, Chairman Wisnowski closed the hearing.

MOTION was made by Mrs. Liebi in Case #1864 to approve the Area Variance as requested with the condition it be in substantial compliance with Exhibit “A.” Motion was seconded by Mr. Frantzis.

Roll Call:	Chairman Wisnowski	- in favor	
	Deputy Chairperson Miller-Allgaier	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Frantzis	- in favor	<i>Unanimously Carried.</i>

There being no further business, Chairman Wisnowski adjourned the meeting at 6:21 P.M.


Chelsea L. Clark, Secretary
Zoning Board of Appeals
Town of Clay